GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Tribal Welfare Department – Appeal Petition filed by Smt. Palavelli Sreelatha D/o late Chengaiah, Occ: School Assistant, SPSR Nellore District- against the proceedings No. Rc. C5(M)/1580/2013, dated 29.12.2013 of the District Collector, SPSR Nellore - under Section 7(2) of the Andhra Pradesh (Scheduled Castes, Scheduled Tribes and Backward Classes) - Regulation of Issue of Community Certificates Act, 1993 (AP Act No.16/1993) – Appeal Petition allowed – Orders -Issued.

SOCIAL WELFARE (TW.CV.2) DEPARTMENT

G.O.MS.No. 69 **Dated: 28-05-2018**
Read the following:

1. Proceedings of the District Collector, SPSR Nellore, Rc. C5(M)/1580/2013, dt.29.12.2013.
2. Appeal Petition filed by Smt. Palavelli Sreelatha D/o Late Chengaiah, Occ: SA, MPUP School, Gulimcherla(V), Sydapuram (M), SPSR Nellore District before M (TW), No.61/M (TW)/2014, dt.10.02.2014.
3. Govt. Memo No. 2137/CV.2/2014, dated 19.02.2014.
4. From the District Collector, SPSR Nellore, Lr. No. Rc. C5(M) 1580/2013 , dated 26.10.2014 & 07.07.2015.
5. Govt. Memo No. 2137/CV.2/2014, dated 03.05.2016.
6. Documents filed by the appellant through his Counsel before the Appellate Authority on 14.05.2016.
7. Govt. Memo No. 2137/CV.2/2014, dated 03.07.2017.

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ORDER:

In the reference 1st read above, the District Collector, SPSR Nellore has issued orders cancelling ST-Yanadi caste certificate obtained from the then Mandal Revenue Officer, Gudur in the year 1992 by Smt. Palavelli Sreelatha D/o late Chengaiah.

2. In the reference 2nd read above, Smt. Palavelli Sreelatha D/o late Chengaiah, has filed an Appeal Petition before the Government, against the Proceedings of the District Collector, SPSR Nellore. After examining the said Appeal Petition, Government have admitted the Appeal Petition and granted stay on the proceedings of the District Collector, SPSR Nellore and called for the parawise remarks and connected records from the District Collector, SPSR Nellore in the reference 3rd read above.

3. In the reference 4th read above, the District Collector, SPSR Nellore has furnished the Parawise remarks and the connected records on the Appeal Petition filed by Smt. Palavelli Sreelatha D/o late Chengaiah.

4. The said Appeal Petition has been posted for hearing on 14.05.2016 & 15.07.2017 and the same has been informed to the Appellant and the Counsel for the Appellant in the reference 5th & 7th read above, and they were requested to attend for the hearing along with all Documentary Evidences/ Certificates in support of the community claim, failing which, it will be construed that there is no explanation what-so-ever to furnish in the matter and that the case will be decided based on the material available with the Government. The appellant through her counsel have submitted documents in support of her ST-Yanadi community claim before the Appellate Authority on 14.05.2016. The appellant / Counsel for the appellant attended for the hearing scheduled on 15.07.2017 and argued the case before the Appellate Authority.

5. After hearing both the sides and on perusal of the records/ the copies of evidences/academic record/ grounds filed by the Appellant / the parawise remarks submitted by the District Collector, SPSR Nellore and proceedings of the District Collector, SPSR Nellore dated 29.12.2013 the Appellate Authority is observed that :

I. The appellant in her grounds has stated that she born on 30.07.1975 to Sri Chengaiah and Smt. Varalakshm. The appellant's father Sri Chengaiah belongs to Yanadi Community which was identified as Schedule Tribe, who

[P.T.O]

died on 05.10.2010 and her parents' marriage was an inter-caste marriage i.e., Schedule Tribe and Back Ward Class. Both are illiterates. But, the father of the appellant admitted her in the School by furnishing details with regard to social status as "Yanadi" and the said details were recorded in the school register which indicates that the appellant belongs to Yandadi – S.T. Community. The said social status obtained by her virtue of birth mark which flows from his father who belongs to S.T. Yanadi. The said social status carried forwarded to the next higher cases viz., 6 to 10th classes, Intermediate, Graduation B.Ed., etc., Thus, it is clear that the social status of the appellant being the Yanadi which comes under Schedule Tribe which cannot be wiped out.

II. The District Level Scrutiny Committee has observed that thoroughly verified the records furnished by the Appellant and opined that the then Mandal Revenue Officer, Gudur has issued caste certificates to the Appellant in a routine manner but not thoroughly verified the anthropological and ethnological traits, rituals, worshiping of deity, customs, mode of marriage, death ceremonies/method of burial of dead bodies etc., of that particular tribe of the individual. With a malafied intention, she had obtained certificates from the then Mandal Revenue Officer, Gudur that she belongs to Yanadi-ST. The surname Palavelli is not found in Yanadi Tribe. She has not produced any evidence to prove the ST status of her father. Further, the Appellant is not in the fold of ST-Yanadi community and she was not accepted by the tribal society. Her family members have marital relations with other castes people. The appellant has not followed the traditions & customs of Yanadi (ST) community. Further it is observed that before the DLSC, the appellant has not produced any relevant documents in support of her ST-Yanadi community claim and also not disclosed any information with regard to her father's blood relatives. Finally, based on the DLSC findings, the District Collector, SPSR Nellore has cancelled the appellant's ST-Yanadi caste certificate.

III. Under section 6 of the Andhra Pradesh (Scheduled Castes, Scheduled Tribes and Backward Classes) Regulation of Issue of Community Certificates Act 1993 (AP Act No.16/1993) the burden of proof lies on the Appellant only.

IV. The Appellate Authority has observed that during the course of hearing of the case, the appellant submitted her arguments as per her grounds in appeal petition and stated that the lower authority failed to observe that her father belongs to Yanadi community which was identified as Schedule Tribe and as such she is also belongs to ST and mere marriages with other community does not change the social status and as such the impugned order shall be cancelled. On verification of the documents and the grounds of appeal and Para wise remarks as well as the other documents and material available on the record it is noticed that the VRO as well as the MRI made local enquiries and it reveals that the father of the appellant belongs to ST Yanadi caste and reported the same in writing to the Tahsildar, Gudur and he confirmed the same. As seen from the statements of local inhabitants it is undisputed that the father of the appellant belongs to Yanadi caste. It is further brought to the notice that the local enquiry is thorough and the same is not disputed by anybody and on the score alone it can be safely concluded that the father of the appellant belongs to Yanadi caste which is described as ST. That taking consideration of the above and the material available on the record that it can be concluded that the lower authority failed to observe the finding of above, which deserve interference .

6. In view of the several reasons recorded in the paras supra, the Government, in exercise of the powers conferred under Section 7(2) of the Andhra Pradesh (Scheduled Castes, Scheduled Tribes and Backward Classes) Regulation of Issue of Community Certificates Act 1993 (Act No.16 of 1993), hereby allowed the Appeal Petition filed by Smt. Palavelli Sreelatha D/o late Chengaiah, by upholding her Scheduled Tribe (Yanadi) claim and the Proceedings of the District Collector, SPSR Nellore issued in the reference 1st read above are set- aside.

7. The District Collector, SPSR Nellore is directed to take necessary consequential action in the matter.

[Contd..on P.3]

8. The records (containing Rc.C5(M)1580/2013, pages CF: 1-92) received from the District Collector, SPSR Nellore through the reference 4th read above, are returned herewith in original to the District Collector, SPSR Nellore and he is requested to acknowledge the receipt of the same, immediately.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

S.S. RAWAT
PRINCIPAL SECRETARY TO GOVERNMENT

To
The District Collector, SPS Nellore
(with original records) (BY RPAD)

Smt. Palavelli Sreelatha D/oLate Chengaiah,
H.No.13-199, Gammallapalem,
Guduru Mandal, SPSR Nellore District.

Sri N. Sudarsana Rao,
Sri P. Ravi Kumar, Advocates,
(through the appellant)

The District Educational Officer, SPSR Nellore.

Copy to :
The Director, TCR& TI, AP, Amaravathi.
The PS to M(SWE & TWE).
The PS to Principal Secretary (SW&TW)

// FORWARDED:: BY ORDER //

SECTION OFFICER